

Washington, DC – On April 17, the House Judiciary Committee's subcommittee on Crime, Terrorism and Homeland Security held a hearing on Congressman Sestak's Elder Abuse Victims Act. This is the first bill that establishes standards related to elder abuse, establishes prosecution and trains law enforcement so as to establish a deterrent to abuse of elders. Today's event was the first hearing on senior abuse in 17 years in the House of Representatives. — Congressman Sestak addressed his Elder Abuse Victims Act and the specific impact of elder abuse in the 7th Congressional District. The Elder Abuse Victims Act (H.R. 5352) is a piece of legislation to protect America's seniors from elder abuse by addressing and correcting the failures in state elder abuse policies, establishing specialized prosecution and research departments, and training prosecutors and law enforcement on the best practices for handling these unique cases.

The number of elder abuse cases is on the rise across the country, according to estimates by the National Research Council Panel to Review Risk and Prevalence of Elder Abuse, between one and two million Americans age 65 or older have been victims of elder abuse. These are uncertain estimates because definitions of elder abuse vary widely from state-to-state, and there are many imperfections in our national effort to adequately prevent, prosecute, and rehabilitate victims of this type of abuse.

Congressman Sestak introduced the Elder Abuse Victims Act to ensure that elder abuse and neglect cases will be effectively handled and that criminals who commit such acts will be fully prosecuted under the law. Specifically, the act will: require the Attorney General to conduct a study evaluating state laws and practices designed to protect seniors from elder abuse, neglect, and exploitation; within two years following enactment, require that the study be submitted to the Committee on Aging and the Speaker/Minority Leader of the House; task the Attorney General with the responsibility of establishing a plan for elder justice programs and activities throughout the country.

In addition, the legislation establishes the Elder Abuse Victims' Advocacy Grant, which would fund entities which specialize in the needs of victims of elder abuse. Health care, social and protective service providers, among others, would be eligible for the Elder Abuse Victims' Advocacy Grant.

With regard to Elder Justice Prosecutorial Department Funding, the legislation will fund the creation of the Center for the Prosecution of Elder Abuse, Neglect, and Exploitation by the American Prosecutor Research Institute of the National District Attorneys Association as well as the creation of either elder justice prosecution positions or the creation of a position to coordinate elder justice-related cases. It will include training, technical assistance, and policy development for state prosecutors.

Finally, it will fund additional staff that will focus on elder abuse cases, an elder abuse “resource group” through the Executive Office of the United States Attorneys, nurse-investigators and other experts to assist in prosecution.

Furthermore, the Congressman’s legislation offers support for law enforcement in elder abuse matters by funding of law enforcement officials on the important factors involved in elder abuse cases.

In addition to the testimony given by Congressman Sestak on this legislation, the committee heard testimony by Reps. Emanuel, Klein, and Rothman. Below, please find a copy of Congressman Sestak’s testimony as prepared:

Good Morning.

Before I begin, I would like to thank Chairman Scott and Ranking Member Gohmert for inviting me to speak on a piece of legislation about which I feel so strongly.

I visit senior facilities almost every weekend; in many, one bursts with pride at the continued contribution seniors -- even at advanced age -- are still making to our country with the support of their community. In a few, your heart aches at the signs of neglect. As a former Navy officer of 31 years, I remember well when last year we discussed the lack of care and support---the neglect--- of our troops at Walter Reed. This is worse.

If passed into law, the Elder Abuse Victims Act will change the way our nation’s justice system protects seniors from abuse, neglect and exploitation; and strengthen the prevention and the prosecution of perpetrators of elder abuse. Hubert Humphrey said it well when he noted that the

moral test of a government is not only how that government treats those who are in the dawn of life, the children; those who are in the shadows of life, the sick, the needy and the handicapped; but also those who are in the twilight of life, the elderly.

Why? Because seniors - who we will all one day be-- represent this country's history and national memory. They are vital to our families and communities; however, the elderly are also extraordinarily vulnerable to physical, mental, financial, and even sexual abuse.□ Sadly, the incidence of elder abuse in this country appears to be a growing epidemic. According to one study, every year between one and two million Americans age 65 or older become victims of abuse. This number is expected to rise rapidly as the population of Americans age 65 and older grows from 35 million today to 60 million by 2030.

The fact of the matter, however, is that the current approach to elder abuse just will not be able to handle these changes— never mind what it is not doing today. Last year, the federal government spent about \$150 million on programs addressing elder abuse. The Department of Health and Human Services (HHS) spent just over \$140 million and the Department of Justice spent just \$10 million. These funding levels pale in comparison to the \$6.7 billion spent on child abuse and the \$520 million mandated by the Violence Against Women Act (VAWA)- both measures which I most strongly support.

Besides prevention – the Elder Abuse Victims Act provides the needed strategic approach to providing a foundation for the best state practices and laws designed to protect our seniors from neglect, from abuse and from exploitation. This study will be overseen by the U.S. Attorney General.

Among other reasons, this legislation requires a comprehensive review and study of states' elder justice systems; because state-to-state variations in the definitions and standards vary so widely that the FBI is unable to categorize elder abuse in the national Uniform Crime Reporting System.□

These variations are the result of a lack of one federal body dedicated to this type of abuse. Therefore, the Elder Abuse Victims Act, establishes the Center for the Prosecution of Elder Abuse, Neglect, and Exploitation; and secondly, the Elder Justice Coordinating Council, whose membership would include the Secretary of Health and Human Services (HHS) and the Attorney General, among others.

With two centralized bodies in place, we can then establish a uniform policy that aligns the wide spectrum of state and federal agencies that have jurisdiction over elder abuse cases, and reduce the confusion that leads to incidences of abuse going unreported. This is significant because estimates suggest that as many as 84% of elder abuse cases go unreported.

With 2 million senior citizens, the third largest elderly population in the country, this legislation is particularly important to the Commonwealth of Pennsylvania, my home state. According to the Pennsylvania Department of Aging, between 2006 and 2007 there were 2,484 substantiated reports of elder abuse in Pennsylvania. That is a 39.2% increase from the 2005-2006 level of 1,784 and a 19.7% increase from the previous decade. Considering that the fastest growing segment of Pennsylvania's population is those who are 85 years of age or older, this trend will worsen.

As I meet the people behind these statistics at senior groups, I am troubled that we are failing victims like Louis V. Long, an elderly resident of Pottsville, Pennsylvania, who died in March 2006 after \$84,000 was drained from his bank accounts as he slipped into dementia. He became one of the 40% of elder abuse victims who suffer financial exploitation and will continue to as the elderly are expected to control \$10 trillion in assets within the next 10 years.

We have also failed an elderly Alzheimer patient that was struck at least six times with a belt buckle by an aide at an assisted living facility in King of Prussia, Pennsylvania, in my district. These acts leave more than just bruises; older adults who are abused are 3 times more likely to die within 10 years than those who are not.

In Pennsylvania we have a qualified Elder Abuse Unit at the State Attorney General's office that investigates and prosecutes individuals who deceive, cheat or abuse the elderly; the 26 prosecutors, agents and support staff of this unit, however, can not solve this growing epidemic alone. Federal legislation is needed to establish a plan of the best and most needed actions to help those working to address these abuses.

According to a recent study by the National Academy of Sciences, HHS and the National Institutes of Health, the occurrence and severity of elder abuse is likely to increase in coming years. If we do not act now, a growing number millions of seniors will suffer from unabated physical, financial, and emotional abuse and neglect.

Finally, and most importantly, prosecution in this arena is the real aim of this bill. It will establish funding for elder abuse prosecutorial departments at the local, state and federal level; train law enforcement officials on appropriate action in these cases; and fund nurse-investigators- who experts in identifying elder abuse.

That is why I have introduced this more focused legislation, the Elder Abuse Victims Act, and will continue to fight for victims of abuse. Again, as Hubert Humphrey once said, the moral test of a government is how it treats the elderly, those in the twilight of life.

Again, thank you for the opportunity to testify before this subcommittee.

Born and raised in Delaware County, former 3-star Admiral Joe Sestak served in the Navy for 31 years and now serves as the Representative from the 7th District of Pennsylvania. He led a series of operational commands at sea, including Commander of an aircraft carrier battle group of 30 U.S. and allied ships with over 15,000 sailors and 100 aircraft that conducted operations in Afghanistan and Iraq. After 9/11, Joe was the first Director of "Deep Blue," the Navy's anti-terrorism unit that established strategic and operations policies for the "Global War on Terrorism." He served as President Clinton's Director for Defense Policy at the National Security Council in the White House, and holds a Ph.D. in Political Economy and Government from Harvard University. According to the office of the House Historian, Joe is the highest-ranking former military officer ever elected to the Congress.